

The Second Division consisted of the regular members and in addition Referee George S. Roukis when award was rendered.

Parties to Dispute: (International Brotherhood of Electrical Workers
(Indiana Harbor Belt Railroad Company

Dispute: Claim of Employees:

1. That the Consolidated Rail Corporation (Conrail) - Indiana Harbor Belt Railroad declined to reimburse Electrician Daniel Norton for expenses incurred for meal periods while performing work away from headquarters.
2. That accordingly, the Consolidated Rail Corporation (Conrail)-Indiana Harbor Belt Railroad, be ordered to reimburse Electrician Daniel Norton in the amount of \$72.60 for actual expenses on January 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 28, 29, 30 and 31, 1980 plus 9.5% interest compounded quarterly from the date of denial.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

In Award No. 9445 involving the same issue on the same property, we held that the practice of reimbursing meal claims prior to the October 31, 1979 policy change notice did not include a predetermined mileage distance as a condition precedent for reimbursement. Similar to our findings in that case, we find herein that Carrier consistently reimbursed Claimant meal expenses, irrespective of distance, when claims were submitted. Rule 15(h) does not indicate what distances away from the employees' home point qualify for reimbursement and the practice followed on the property before October 31, 1979 does not indicate that a definable distance was required. We have no evidence that Carrier refused to reimburse Claimant for similarly incurred meal expenses in the past and thus, we must affirm his interpretive position. We will sustain the claim only for the actual meal expenses Claimant incurred on the claimed dates. Our decision in Award No. 9445 is controlling.

A W A R D

Claim sustained in accordance with the Findings.

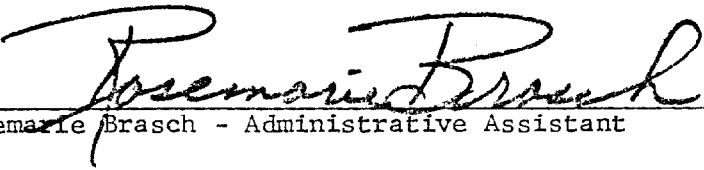
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Award No. 9446
Docket No. 9457
2-IHB-EW-'83

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 13th day of April, 1983.